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SIPDIS

DEPARTMENT FOR EUR/AGS

E.O. 12958: N/A

TAGS: PHUM PGOV GM

SUBJECT: Hesse Passes Germany's Most Far-Reaching Headscarf Ban

REF: A) Frankfurt 567 B) Frankfurt 6441
C) Frankfurt 1390 D) 03 Frankfurt 8335

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1. (U) SUMMARY: The Christian-Democratic Hesse state government recently passed legislation banning all civil servants from wearing headscarves while on duty, a measure that goes far beyond approaches to the issue in other German states. Opposition parties harshly criticized the law and predicted it would be declared unconstitutional. Some observers see the bill as a concession to the CDU's conservative wing. A constitutional battle over the law could have implications beyond Hesse state politics. END SUMMARY.

2. (U) On October 8, the Hesse state parliament passed a law barring headscarf use by public officials, the most far-reaching headscarf ban in Germany to date. The CDU caucus (which has an absolute majority) unanimously supported the law, while opposition parties -- SPD (Social Democrats), the Greens, and the FDP (Free Democrats) -- all opposed it. Whereas laws recently passed in Baden-Wuerttemberg and other states only apply to public-school teachers (refs B-D), the Hesse ban applies to all civil servants in their official capacities. CDU caucus leader Franz-Josef Jung justified the law in terms of Germany's "Christian and humanistic tradition" and the headscarf's negative symbolism ("We don't hire civil servants for back offices, but rather to serve the state," underscoring the public image concerns). Hesse Education Minister Karin Wolff (CDU) claims the law protects the separation of church and state ("[the headscarf] is a symbol which rejects the separation of religion and politics and the values of our state ... it's not just a matter of gender equality, but also recognizing the constitution"). It is unclear how Hesse authorities will apply the principles of the law to other religions, a point of contention in legal action against the state of Baden-Wuerttemberg by initial headscarf plaintiff Fereshta Ludin (ref C).

3. (U) SPD and FDP representatives -- who supported a limited ban on public-school teachers -- criticized the law and predicted it would be declared unconstitutional. Hesse FDP chair Ruth Wagner criticized the CDU's "arrogance" and intransigence for not trying to build consensus on the issue before putting it to a vote (NOTE: Baden-Wuerttemberg, Saarland, and other states passed more limited headscarf laws supported by broad legislative majorities. END NOTE). "That this law will end up in court again is as sure as the night is dark," Wagner said. SPD caucus chief Juergen Walter accused the CDU of pandering to its "Steel-helmet wing" ("Stahlhelmfluegel") of hard-line conservatives.

4. (SBU) COMMENT: The new headscarf ban is a political firestorm that will lead to several (potentially successful) court challenges. Furthermore, it highlights the contrast in Hesse between an array of nationally-recognized programs designed to integrate the state's large immigrant population and a determination to preserve the "Christian and humanist" tradition referenced by Jung. This dichotomy could lead to further tensions down the road. END COMMENT.

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